

#### BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the matter of the application of Whiteside Hidden Acres, L.L.C. for a Certificate of convenience and	) ) )		WA-2009-0261	
necessity authorizing it to own, operate, control, manage, improve, and maintain a	)	Case No.	SA-2009-0162	MAR 1 3 2009
water system for the public, located in an incorporated area of Hickory County, Missouri.	) ) )			Convice Commission

#### **AMENDED APPLICATION**

COMES NOW Whiteside Hidden Acres, L.L.C., pursuant to Section 393.170 R.S.Mo., 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-3.600 and, for its application for a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water system for the public in an unincorporated area of Hickory County, Missouri, states to the Missouri Public Service Commission (hereinafter "Commission") as follows:

- 1. Applicant is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri, with it principal office and place of business located at HC 77 Box 754, Pittsburg, Missouri 65724. it can be contacted as follows: contact person Dale Whiteside; telephone 417-852-4201; fax 417-852-4831. A Certificate of Organization is attached to and incorporated into this Application (Exhibit A). Applicant will provide a Certificate of Good Standing for said limited liability company upon receipt of the same.
- 2. Correspondence, communication, orders and decisions regarding this matter should be addressed to:

Lisa C. Henderson, #36621 303 South Maple Post Office Box 1141 Buffalo, Missouri 65622 Telephone: (417) 345-6713 Facsimile: (417) 345-6718

Email: hendersonatlaw@yahoo.com

3. By this Application, Applicant seeks a certificate of public convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water system for the public in an incorporated area of Hickory County, Missouri, as set forth on the map attached to and incorporated into this Application (Exhibit B) and as legally described by metes and bounds description attached to and incorporated into this Application (Exhibit C).

- 4. There currently are approximately forty-one (41) persons residing full time in the proposed service area and approximately one-hundred sixty (160) recreational persons occasionally staying within the proposed service area. The names and addresses of no fewer than ten persons residing in the proposed service area are stated on the list attached to and incorporated into this Application (Exhibit D).
- 5. Applicant and its predecessors in interest have operated the existing water system on an unregulated basis since January, 2003. It has provided service to Cedar Haven Subdivision, Holly Court Subdivision, and Sportsman Retreat Subdivision. It now seeks to convert to a public utility system serving each individual homeowner. The area served consists of a 200 unit RV site, with approximately one-hundred sixty (160) of those occupied and served by water, and another forty-one (41) residences served by water.
- 6. To the knowledge of applicant, there is no same or similar utility service, either regulated or nonregulated, available in the area requested.
- 7. A feasibility study containing a description of the company, the existing water system, plans and specifications for anticipated improvements to the system and estimated cost of construction during the first three (3) years; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation, will be submitted as a supplement to this Application.
- 8. The Applicant has or will obtain all relevant permit approvals with the Department of Natural Resources.
- 9. A public need exists for continued adequate water service within the proposed area of operation and the public convenience and necessity will be promoted by the granting of the authority requested herein.
- 10. No annual report or assessment fees are overdue at the time of the submission of the Application.
- 11. Applicant does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which actions, judgments or decisions have occurred with three (3) years of the date of the filing of this Application.
- 12. The verification required by Commission Rule 4 CSR 240-2.060(1) is attached to and incorporated into this Application (Exhibit E).
- 13. Applicant will develop and submit formal tariffs for approval by the Commission.

14. In conformity with 4 CSR 240.3-600(1)(B), Applicant states that it has no information which would require approval from any governmental body affected by the proposed utility.

WHEREFORE, Applicant respectfully requests that the Commission issue its order:

- (a) Granting Applicant a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water utility system for the public in an incorporated area in Hickory County, Missouri, as more particularly described in Exhibit B and Exhibit C; and
- (b) Granting such other and further relief as the Commission deems appropriate in the premises.

Respectfully submitted,

/s/ Lisa C. Henderson

Lisa C. Henderson, #36621 303 South Maple Post Office Box 1141 Buffalo, Missouri 65622 Phone: (417) 345-6713 Fax: (417) 345-6718

hendersonatlaw@yahoo.com

Attorney for Whiteside Hidden Acres, L.L.C.

#### **VERIFICATION**

Dale Whiteside, Individually, and as a Member and Chief Operating Officer of Whiteside Hidden Acres, L.L.C., being first duly sworn upon his oath, states that he has read the foregoing, and swears that the facts contained therein are true and correct according to his best knowledge and belief.

Dale Whiteside

STATE OF MISSOURI

) ss:

COUNTY OF DALLAS

Subscribed and sworn to before me, this 6<sup>th</sup> day of March, 2009.

Notary Public

My Commission Expires: 9/25/2571

Lisa C. Henderson - Notary Public Notary Seal, State of Missouri - Dallas County Commission #07428599 My Commission Expires 9/25/2011

#### CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 10th day of March, 2009, by email and/or by placing same in the U.S. Mail, postage paid.

/s/ Lisa C. Henderson

Colleen Dale Missouri Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102

General Counsel
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

# State of Missouri





Matt Blunt Secretary of State

CERTIFICATE OF ORGANIZATION

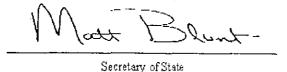
WHEREAS,

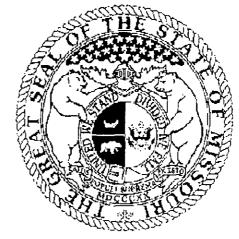
WHITESIDE HIDDEN ACRES, LLC LC0525452

filed its Articles of Organization with this office on the 10th day of June, 2003, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 10th day of June, 2003, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 10th day of June, 2003.







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Exhibit



Pittsburg, MO

В

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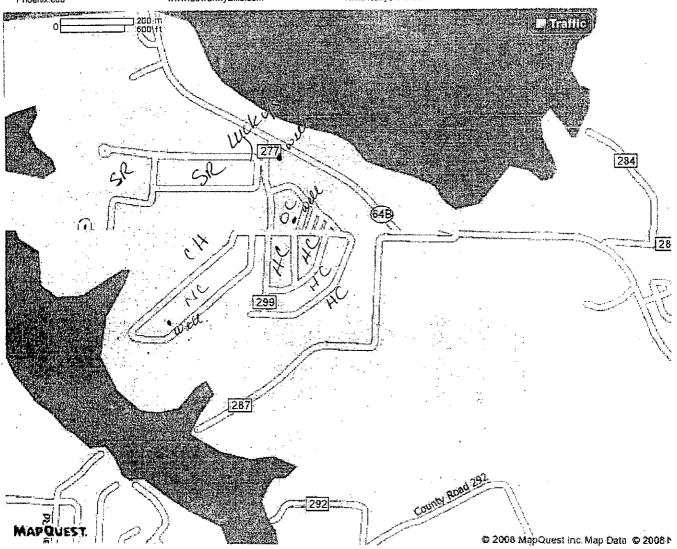
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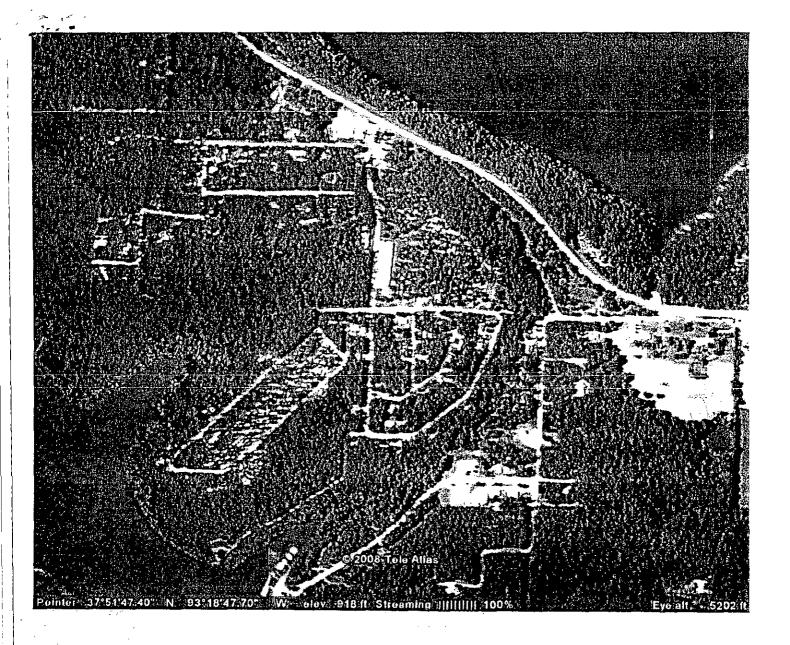
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Exhibit

C

STATE OF MISSOURI) County of Hickory ) ss	IN THE RECORDER'S OFFICE 2 17
Recorden of said County, do her	eby certify that the within instrument of writing was, at o'clock minutes , AD 2003, duly filed for record in this office, and has been recorded in
Book 30 Page 1010	IN WITNESS WHEREOF, I have hereunto set my hand And affixed by official seal at through Missouri, on the day and year aforesaid.
•	By Victoria Freddle Deputy

#### WARRANTY DEED

THIS DEED, made this 26th day of February, AD, 2003, Two Thousand and Three, by and between Barbara A. (Evans) Robertson and Larry L. Robertson, her husband, Party or parties of the first part (GRANTOR), And Dale Whiteside, Jr. and Shelly Whiteside, husband and wife, Party or parties of the second part (GRANTEE);

Address: HC 77, Box 727 Pittsburg, MO 65724

WITNESSETH, Than the said party or parties of the First part, for and in consideration of the sum of Ten dollars and other valuable considerations paid by the said party or parties of the Second part, the receipt of which is hereby acknowledged, does or do by these present Grant, Bargain and Sell, Convey and Confirm, unto the said party or parties of the Second part, the following described real estate situated in the County of Hickory, in the State of Missouri to-wit:

(Mini-golf & Campground)

Also, a part of the SW ¼ SW ¼ of Section 13, Township 36 North of Range 22 West, described as follows: Beginning at the Southwest corner of said SW ¼ SW ¼, thence North to the Northwest corner of said SW¼ SW¼; thence in a Southeasterly direction to the Southeast corner of said SW¼ SW¼; thence West to the point of beginning, (Less and except all that part of said tract lying West of the existing public which is described in Deed Record 156, page 91 of the Deed Records of Hickory County, Missouri and subject to existing public road off the South 40 feet of said tract in Hickory County, Missouri, described in said Deed Record 156 at page 91. Subject to existing public perpetual flowage easement granted the United States of America over all that part thereof lying below elevation 879 (m.s.l.) and restrictive covenants thereto as shown in Book 112, page 572A of the Deed Records of Hickory County, Missouri.

(Campgrounds)

Commencing at the Northeast Corner of the NE ¼ NE ¼ of Section 23, Township 36 North, of Range 22 West, thence S. 2°36' W. 336.6 feet to the point of beginning; thence S. 48°05' W. 451.3 feet, thence S. 87°06' E. 321.82 feet to the East line of said NE ¼ NE¼, thence N. 2°36' E. 318.2 feet to the point of beginning. (also known as lots 27,28 and 29 Block 1 Cedar Haven [an un-recorded] Subdivision).

(Lots 2-13 and 17-28 in Block 2 of Cedar Haven [un-recorded] subdivision).

Commencing at the Northeast corner of the NE ¼ NE ¼ of Section 23, Township 36 North of Range 22 West, thence S. 2°36' W. 336.6 feet to the point of beginning; thence S. 48°05' W. 451.3 feet, thence

MICROFILM R 396 PR 106

N. 87°06' W. 12.4 feet, thence S. 29°23' W. 27.3 feet, thence S. 48°05' W. 654.1 feet, thence N. 41°55' W. 316 feet, thence N. 48°05' E. 1140 feet, thence S. 41°55' E. 315 feet to the point of beginning.

Commencing at the Northeast corner of the NE ¼ NE ¼ of Section 23, Township 36 North, of Range 22 West, thence S. 2°36' W. 336.6 feet thence S. 48°05' W. 1140 feet to the point of beginning of the tract herein described; thence N. 41°55' W. 158 feet, thence S. 48°05' W. 180.8 feet, thence S. 87°21' E. 225.1 feet, thence N. 48°05' E. 20.4 feet to the point of beginning. (Subject to existing easements for road, for pole lines, for waterlines, and subject to existing easement (Perpetual Flowage Easement) granted the united States of America over all that part of the above lands lying below elevation 879 (m.s.l.) and restrictive covenants thereto.) (Also know as Lot 16 in Block 2 of Cedar Haven, an unrecorded Subdivision in Hickory County, Missouri.)

Also, a permanent and assignable easement for road over the South 40 feet of the East 335.81 feet of the SE ¼ SE ¼ of Section 14, and over the South 40 feet of the West 120 feet of the SW ¼ SW ¼ of Section 13, all in Township 36, Range 22.

AND,

Lot 6 in Block 5 of Holly Court Subdivision, as shown by recorded plat in Plat Book 114, page 206 of the Deed Records of Hickory County, Missouri. Subject to existing easements and restrictions of record.

TO HAVE AND TO HOLD the same together with all rights, immunities, privileges and appurtenances to the same belonging unto the said party or parties of the Second part, and to their heirs and assigns, forever; the said party or parties of the first part hereby covenanting that said premises are free and clear of any incumbrances and that said party or parties and their heirs, executors, and administrators of such party or parties of the second part, and to their heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party or parties of the First Part has or have hereunto set their hand or hands the day and year first above written

Barbara A. (Evans) Robertson

Larry L. Robertson

STATE OF MISSOURI )
COUNTY OF HICKORY ) ss.

On this 26th day of February, 2003, before me personally appeared, Barbara A. (Evans) Robertson and Larry L. Robertson, her husband, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Term Expires: April 26, 2006

MICHAEL C. FREEMAN
Notary Public - Notary Seal
State of Missouri
County of Hickory
My Commission Exp. 04/26/2006

IN TESTIMONY WHEREOF, I have hereunto set my hand and Affixed my seal at my office in Hermitage, Missouri, the day and year last written.

Michael C. Freeman

**Notary Public** 

MICROFILM R 396 PR 106

#### WARRANTY DEED

THIS DEED, made this 26th day of February, AD, 2003, Two Thousand and Three, by and between Barbara A. (Evans) Robertson and Larry L. Robertson, her husband, Party or parties of the first part (GRANTOR), And Dale Whiteside, Jr. and Shelly Whiteside, husband and wife, Party or parties of the second part (GRANTEE);

Address: HC 77, Box 727 Pittsburg, MO 65724

WITNESSETH, Than the said party or parties of the First part, for and in consideration of the sum of Ten dollars and other valuable considerations paid by the said party or parties of the Second part, the receipt of which is hereby acknowledged, does or do by these present Grant, Bargain and Sell, Convey and Confirm, unto the said party or parties of the Second part, the following described real estate situated in the County of Hickory, in the State of Missouri to-wit:

Lot 12, Block 1 of Cedar Haven [an un-recorded] Subdivision, more fully described as follows:

Commencing at the Northeast corner of the NE¼ NE¼ of Section 23, Township 36 North, Range 22 West, thence N 86°59' W a distance of 335.81 feet; thence S 48°05' W a distance of 1010 feet to the point of beginning of the tract herein described; thence S 41°55' E a distance of 158 feet; thence S 48°05' W a distance of 95 feet; thence N 41°55' W a distance of 158 feet; thence N 48°05' E a distance of 95 feet to the point of beginning, situate in Hickory County, Missouri and subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the same together with all rights, immunities, privileges and appurtenances to the same belonging unto the said party or parties of the Second part, and to their heirs and assigns, forever; the said party or parties of the first part hereby covenanting that said premises are free and clear of any incumbrances and that said party or parties and their heirs, executors, and administrators of such party or parties of the second part, and to their heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever.

MICROFILM R 396 PR 104

IN WITNESS WHEREOF, the said party or parties of the First Part has or have hereunto set their hand or hands the day and year first above written

Barbara A. (Evans) Robertson

STATE OF MISSOURI COUNTY OF HICKORY ) ss.

On this 26th day of February, 2003, before me personally appeared, Barbara A. (Evans) Robertson and Larry L. Robertson, her husband, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

> IN TESTIMONY WHEREOF, I have hereunto set my hand and Affixed my seal at my office in Hermitage, Missouri, the day and year Last Written.

Term Expires: APEIL 26, 2006

MICHAEL C. FREEMAN Notary Public - Notary Seal State of Missouri County of Hickory My Commission Exp. 04/26/2006

Michael free **Notary Public** 

Exhibit D

CEDAR HAVEN SUBDIVISION

Skip Roberts Hc 77 Box 931 a Pittsburg Mo 65724

full time

Phone?

EARL REINGER HC 77 BOX 931 FULL TIME PITTSBURG MO 65724

CLARANCE JONES
HC 77 BOX 929
PITTSBURG MO 65724 FULL TIME

C C WALKER HC 77 BOX 928 PITTSBURG MO 65724 FULL TIME

GERALD RHINEHART 28804 E. PINK HILL RD GRAIN VALLEY MO 816 229 7332

BOB KURCHARSKI HC 77 BOX 923 PITTSBURG MO 65724 FULL TIME 4147 852 4447

FRANK HERROD 11422 CLOUD RD RICHMOND MO 64085 816 776 3602

LAWRENCE JONES .
HC 77 BOX 929
PITTSBURG MO 65724 IN PROCESS OF BUILDING LOG CABIN ACROSS FROM THE CAMPGROUNDS

TOBY HERMAN 709 CHERRY ST WEASTON MO 64098 816 640 5656

#### HOLLY COURT SUBDIVISION

ELVIS FOX HC 77 BOX 961

**FULL TIME** 

PITTSBURG MO 65724

852 4768

RICK THOMAS HC 77 BOX 963 PITTSBURG MO 65724

FULL TIME

852 7073

JODY SMITHERS FULL TIME HC 77 BOX 963 AA PITTSBURG MO 65724

JOSEPH NIOSCATO
LIVES IN DOUBLE WIDE ON CORNER ACROSS FROM CAMPGROUNG
SEND BILL TO BEV WALLING
RT 2 BOX 2365
WHEATLAND MO 65779

JERRY BROOKS 1603BIRCHLANE REPUBLIC MO 65734 HAVE NEVER PAID SINCE WE HAVE B EEN HERE LEROY WILLIAMS HC 77 BOX 946 PITTSBURG MO FULL TIME 852 4496

HOLLY COURT SUBDIVISION

NEAL BARETTA
PO BOX 87
PITTSBURG MO 65724 NO ONE LIVES IN THIS HOUSE HAVE NEVER HAD AN 852 4848 ANSWER TO CORRESPONDENCE

RON MATTSON HC 77 BOX 945 PITTSBURG MO 65724 FULL TIME

TOM BAMERT HC TT BOX 942 FULL TIME PITTSBURG MO 65724.

DANNY DALES BROTHER BLUE HOUSE ACROSS FROM CAMPGROUNGS FULL TIME

ROBERT NORMAN 12602 E BETH LEE DR. PECULAIR MO 64073

DALE ALLMEROTH 888 WOODLAND HILLS ROBERTSVILLE MO 63072 636 257 4582

DANNY DANCE 5725 NW HUTSON RD KANSAS CITY MO 64151 816 741 1133

BILL STUBBS
2515 ESPENLAUB LANE
KANSAS CITY MO 66106
913 384 9719
OWNS 2 HOUSES SOMEONE USES 2<sup>ND</sup> HOUSE

### LLOYD CHAPLIN HC 77 BOX 916 B PITTSBURG MO 65724

## SPORTSMAN RETREAT SUBDIVISION

JOHN ROBERTS
PO BOX 147
PITTSBURG MO 65724 FULL TIME

HOPKINS SAY THEY HAVE THEIR OWN WELL

**FULL TIME** 

KEN IKENBERRY HC 77 BOX 918 PITTSBURG MO 65724 FULL TIME

BOB COLE
PO BOX 27
PITTSBURG MO 65724
852 4685
FULL TIME

MICHAEL MALLAND BOUGHT FROM EARL DYE 6943 N ATKINS AVE KANSAS CITY MO 64152

KIRK SILNE 630 BLUEBERRY LN ST CLAIRE MO 63077

JOHN ENNIS 138 RAINBOW DR. SEDALIA MO 65301 816 827 1039

LINDA ROSE RT; 1 BOX 386 FAIR GROVE MO 65648 471 759 2685

BRIAN BUCHANAN DRILLED THEIR OWN WELL 2/2007

#### SPORTSMAN RETREAT SUBDIVISION

DEBRA FILKINS HC 77 BOX 905 PITTSBURG MO F

**FULL TIME** 

JUDY FRANK
HC 77 BOX 912
HERE ALL SUMMER TEXAS FOR THE WINTER
NOV 28 TO MARCH 30
PITTSBURG MO 65724
HAS DOUBLE CONNECTION PAYS FOR 1

DON VAN DALY HC 77 BOX 911 PITTSBURG MO 65724 FULL TIME

CHERYL WELS HARROLD HC 77 BOX 913 PITTSBURG MO 65724 NOW PART TIME

BILL BRUNO HC 77 BOX 909 PITTSBURG MO 65724 FULL TIME

CHARLES DUFF HJC 77 BOXC 900 PITTSBURG MO 65724 FULL TIME

LARRY KAISER BOX 904 B PITTSBURG MO 65724

BRYCE FISK HC 77 BOX 915 PITTSBURG MO 65724 FULL TIME 852 4213

JOSHUA DOWILL 5653 GILDEHAUS RD VILLA RIDGE MO 63089

JEROME KELLEY
HC 77 BOX 916 A FULL TIME
PITTSBURG MO 65724
852 4611

TROY FRAZIER BOUGHT FROM DONNA PLATT HC 77 BOX 901 PITTSBURG MO 65724 SPORTSMAN RETREAT SUBDIVISION

HAZEL JONES HC 77 BOX 907 PITTSBURG MO 65724

CARLA BARKER NEW 2005 FULL TIME HC 77 BOX 906 C

PITTSBURG MO 65724? HAS NEVER PAID ANYTHING DOES NOT ANSWER

**MAILING** 

DAN THOMAS NEW 2004 FULL TIME

HC 77 BOX 907 B

PITTSBURG MO0 65724 HAS NEVER PAID ANYTHING DOES NOT ANSWER

**MAILING** 

ERIC TURNER HAS LOT BY CARLA HAS A WATER CONNECTIONL DOES NOT PAY WATER HAS LOT FOR SALE

BOB COBB LIVES NEXT DOOR FULL TIME

COPY

#### BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the matter of the application of	)		
Whiteside Hidden Acres, L.L.C. for a	)		
Certificate of convenience and	)	Case No.	WA-2009-0261
necessity authorizing it to own, operate,	)	Case No.	SA-2009-0162
control, manage, improve, and maintain a	)		
water system for the public,	)		
located in an incorporated area of	)		
Hickory County, Missouri.	)		

#### **ECONOMIC FEASIBILITY STUDY**

- 1. The Applicant is a Missouri limited liability company, which seeks to own, operate, control, manage, improve, and maintain a water system for the public in an unincorporated area of Hickory County, Missouri. The area to be served is legally described on Exhibit "C" of the Amended Application filed herewith, and is further identified on the map attached thereto and marked as Exhibit "B", which shows the service area, the adjoining property, and roads.
- 2. Attached hereto, and incorporated herein, is a plan diagram showing the total proposed utility system and plant.
- 3. The existing facilities consist of one well, main holding tank, three small holding tanks, and water lines. The cost of the existing facility is unknown to Applicant.
- 4. Applicant does not propose any new construction to the facilities in the next three (3) years.
- 5. The existing utility serves a 200 unit RV site, with 160 campsite hookups currently occupied, and 41 residences. The actual water usage is not currently monitored.
- 6. Applicant does not anticipate any increase or decrease in the number of campsites and residences to be served by the water system in the next three years. Water usage over the next three (3) years cannot be estimated at this time because the water usage has not previously been monitored.
- 7. Existing water rates are \$240.00 annually. Proposed water rates, connection fees, and other charges will be based on data contained herein and to be supplied.

- 8. Current income from the existing facilities is from payment of the annual water rate charged to each consumer of water, in the amount of \$240.00 per hookup.
- 9. Estimated income from operation of water system, water sales and other proposed charges over the next three (3) years is not yet available.
- 10. The anticipated operating expenses of the facility for the next three (3) years are as follows:

#### Non-recurring Expenses:

Meters and Materials	for Insta	llation5	\$18,892.46
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Installation of Meters	512,500.00
(approx. 50 meters @ \$250.00/ea.)	

Purchase of surplus materials kept
On-site for repairs.....\$ 500.00

## **Recurring Expenses:**

Purchase of materials for repairs and maintenance not available on-site.......\$ 2,300.00/year

DNR fees (water testing).....\$ 200.00/year

Lease of tractor/equipment.....\$ 250.00/month

- 11. Applicant does not have financing plans in place for this project and the proposed improvements.
- 12. The individual who will be responsible for the operation and maintenance of the facility, as well as the utility's business activities, and the contact person for customer inquiries is Eddie Martinez, who is a certified operator, and has been employed as operator of the Hickory County Water Department (PWSD #2), since 2001.

Respectfully submitted,

Whiteside Hidden Acres, L.L.C.